

**WARREN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
FRIDAY, SEPTEMBER 21, 2007**

The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York, at 10:00 a.m.

Mr. William Thomas presiding.

Salute to the flag was led by Supervisor Stec.

Roll called, the following members present:

Supervisors Gabriels, Monroe, Girard, Sheehan, Mason, O'Connor, Kenny, Belden, Bentley, W. Thomas, Tessier, Merlino, Stec, Caimano, VanNess, Sokol, F. Thomas, Haskell, and Geraghty - 19.

Absent: Supervisor Champagne - 1.

Motion was made by Mr. Bentley, seconded by Mr. Belden and carried unanimously, to approve the minutes of the August 17, 2007 Board Meeting and the September 7, 2007 Special Board Meeting, subject to correction by the Clerk.

Chairman Thomas declared the Public Hearing, regarding the tentative budget for Adirondack Community College for fiscal year 2007-2008, open at 10:02 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Chairman Thomas requested Supervisor Gabriels and Margaret Smith, Director of the Youth Bureau, to come forward to present a proclamation regarding the Warren County Youth Court. Ms. Smith introduced the members of the Youth Court that were present at the meeting, as well as the adults that partnered with the young people to make the Youth Court possible. Mr. Gabriels read the proclamation declaring the month of September 2007 as National Youth Court Month "Empowering Youth, Experiencing Justice", and presented the proclamation to the members of the Youth Court. The board members responded with applause. Chairman Thomas thanked the Youth Court members for their participation and their interest in the program.

Chairman Thomas announced that the Adirondack Balloon Festival would be taking place this weekend and acknowledged that Walter Grishkot, founder of the Festival, was present at the meeting today. Mr. Grishkot advised he started the Festival thirty-five years ago and he thanked the Board of Supervisors and the County for all the support he had received from them over the years. Mr. Grishkot introduced Mark Donahue, a balloonist, as well as a Coordinator of the Festival. Mr. Donahue extended his appreciation to William Lamy, Superintendent of DPW and his staff, as well as Marshall Stevens, Airport Manager and his staff, and Sheriff Cleveland and his staff who make the event possible each year. The board members responded with applause. Mr. Grishkot distributed 2007 Adirondack Balloon Festival posters and a commemorative pin to the members of the Board.

There being no one wishing to speak on the tentative budget for Adirondack

Community College for fiscal year 2007-2008, Chairman Thomas closed the Public Hearing at 10:13 a.m.

Chairman Thomas declared the Public Hearing, regarding proposed Local Law No. 10 of 2007, entitled "A Local Law Amending Local Law No. 3 of 1990 - Concerning the Establishment of the Department of Fire Prevention and Building Code Enforcement - Amending Provision Relating to Personnel Positions/Duties", open at 10:15 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Supervisor VanNess explained Resolution Nos. 608, 609 and 610 (Local Law Nos. 10, 11 and 12 respectively) all pertained to the Fire Prevention and Control Committee and were being discussed in the next three Public Hearings. He noted that Resolution Nos. 608 and 609 were related to the re-structuring of the Fire Prevention and Building Code Enforcement Department and the new Office of Emergency Services, allowing for the necessary changes to take place. He further stated that Resolution No. 610 was necessary in order to keep the Fire Prevention and Building Code Enforcement Department up to date with the current mandated New York State building codes.

Chairman Thomas extended privilege of the floor to John Salvador, resident of Warren County. Mr. Salvador expressed his concern with the tax burden associated with the Crandall Library located in the City of Glens Falls. He reminded the board members that it was improper to use taxes to fund the debt of a public corporation.

Chairman Thomas requested Supervisor F. Thomas to come forward and present a proclamation regarding the Cornell Cooperative Extension Week and 4-H Month. Mr. F. Thomas read the proclamation designating the week of October 3 through 7, 2007 as Cornell Cooperative Extension Week and the month of October 2007 as 4-H Month in Warren County. Mr. F. Thomas presented the proclamation to William Schwerd, Interim Director of Extension Services. Mr. Schwerd thanked the Board of Supervisors, the residents of Warren County and Mr. F. Thomas for all the support that Cornell Cooperative Extension and the 4-H Youth Development Program received. The board members responded with applause.

Chairman Thomas acknowledged Peter Wohl, of the Economic Development Corporation (EDC), and Jeff Farley, of the Adirondack Regional Business Incubator (ARBI), were present at the meeting to discuss the funding request for the 2008 Budget in the amount of \$50,000 for the ARBI. Mr. Farley explained he had held the position of Executive Director of ARBI for approximately six months and he was very pleased with the direction they were going in. He added the vision was to make the ARBI self-sustaining over the next three years and he said they were well on their way to obtaining that goal. Mr. Farley distributed copies of a handout which outlined ARBI Client Definitions, Programs and Services, a copy of which is on file with the minutes.

Chairman Thomas requested to put the discussion regarding the ARBI on hold for a

moment to return to the Public Hearing on Local Law No. 10 of 2007.

There being no one wishing to speak on the proposed Local Law No. 10 of 2007, Chairman Thomas closed the Public Hearing at 10:29 a.m.

Chairman Thomas declared the Public Hearing, regarding proposed Local Law No. 11 of 2007, entitled "A Local Law Amending Local Law No. 11 of 1996 - Concerning the Establishment of the Department of Fire Prevention and Building Code Enforcement - Amending Provision Relating to Personnel Positions/Duties", open at 10:30 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Returning to the ARBI discussions, Supervisor Monroe explained that the original resolution adopted by the Board of Supervisors indicated that there would be \$50,000 provided to the ARBI, based on the building located at 36 Elm Street in Glens Falls being remodeled; however, he said, now the alternate plan was to sell the building and to have a lease back. He further stated that the Economic Development Committee had questioned if the \$50,000 would be used for operations, as opposed to renovations to the building which was the original intent. He advised that Mr. Wohl had explained that the sale proceeds would be utilized to lease space for the ARBI, and were not intended for the program operations. Mr. Monroe stated that the total contributed through the year 2009 by Warren County would be \$250,000. He added that there had been discussions regarding modifying the agreement to provide that if the ARBI project was abandoned, the funds provided by the various parties, including Warren County, would be returned. He noted that the other modifications discussed included that the sale proceeds of the building would be utilized solely for leasing space and furniture; however, he said, subsequently on September 12, 2007, the Finance Committee had many questions regarding the request for funding and had referred it to the full Board of Supervisors, which was why it was being discussed today.

Mr. Stec expounded that the Town of Queensbury was involved with this agreement with the ARBI as well and he said he expected the Town would soon act in a similar way as the County and would approve the direction that the program was going in.

Mr. Farley clarified that the \$50,000 from Warren County contributed through 2009 was intended for operation-related expenses, not building expansions or renovations. He further stated that there were two options for the ARBI at this time. The first, he said, was to fall back on the public/private funding due to the fact that the EDA (Economic Development Agency) could not provide adequate funding to make the project a reality. The second option, he continued, was a 'Restore New York' grant which they were in the process of pursuing for a significant amount of money and that was the preferred option at this time.

Chairman Thomas asked Supervisor Caimano, Budget Officer, if the funding for the ARBI was included in the 2008 County Budget and Mr. Caimano replied affirmatively.

Mr. Monroe apprised there may still be a question with regard to the limitation of use of the funding provided by the County. Mr. Wohl explained that the resolution and the partnership that was prepared identified levels of support and funding, and he further stated that the County had obligated \$25,000 for the first year, \$75,000 the next year and \$50,000 over the final three years of that commitment for operating expenses for the Incubator. He added that the other partners involved in the agreement committed monies for the funding of the building. He noted that the only request proposed to the Committee was to consider that if the EDA funds could not be used to construct a building, then an alternate route would have to be exercised that involved a public/private partnership. Mr. Wohl said he further requested the Committee to consider that if the building had to be sold, the funds received as part of that sale could be dedicated to furniture and lease costs. He clarified that there were two separate issues involved with this agreement. Paul Dusek, County Attorney, agreed with the statements made by Mr. Wohl.

Chairman Thomas asked the board members if there were any further questions regarding the ARBI and the direction that the County was headed with regard to funding for such which was included in the 2008 Budget. Mr. Farley announced that the First Inaugural Speakers Series Presentation would be held on September 26, 2007 at 8:00 a.m. at the Adirondack Community College and he encouraged all Supervisors to attend.

Chairman Thomas called for reports by Committee chairmen on past activities and the following gave verbal reports:

Supervisor Gabriels, Personnel/Human Resources; Supervisor Monroe, Economic Development Corporation and Finance; and Supervisor Sheehan, Support Services.

With regard to the Personnel/Human Resources Committee, Mr. Gabriels apprised a mandatory defensive driving program for all County employees would be implemented in the near future.

In connection with the Economic Development Committee, Mr. Monroe stated an easement had been granted to National Grid for the Queensbury Industrial Park. He added that with regard to the Finance Committee, discussions were held about authorizing the interest and penalties collected from occupancy tax be allocated to the Tourism/Occupancy Budget as opposed to the General Fund; however, he said, the County Treasurer felt strongly that his Office absorbed the majority of expenses of administering the occupancy tax and therefore, he felt the funds collected for interest and penalties should be allocated to the General Fund. Mr. Monroe advised that the Finance Committee had referred the issue back to the Tourism Committee for further discussions.

Regarding the Support Services Committee, Mr. Sheehan expounded that the majority of the meeting was budget reviews for the different departments. He said that the HAVA (Help America Vote Act) issue was still unresolved and the Board of Elections did not know what voting machines the County would have next year.

Chairman Thomas requested to put the verbal reports on hold for a moment and return to the Public Hearing on Local Law No. 11 of 2007.

There being no one wishing to speak on the proposed Local Law No. 11 of 2007, Chairman Thomas closed the Public Hearing at 10:44 a.m.

Chairman Thomas declared the Public Hearing, regarding proposed Local Law No. 12 of 2007, entitled "A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention & Building Code and New York State Energy Conservation Construction Code", open at 10:45 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Returning to reports by Committee chairmen on past activities, the following gave verbal reports:

Supervisor Mason, Health Services; Supervisor O'Connor, Municipal Shared Services; and Supervisor Belden, DPW and Real Property Tax Services.

In relation to the Health Services Committee, Mr. Mason said another budget review meeting was necessary and he added that the Committee had discovered that reimbursements from the State were delayed, thereby putting the Department behind in revenue.

Chairman Thomas noted that Mr. Dusek may need to leave the meeting early, therefore he extended privilege of the floor to him to discuss a proposed resolution. Mr. Dusek advised he had prepared a resolution that had just been brought to his attention within the last couple of days. He further explained that the New York State Attorney General had commenced a lawsuit against manufacturers of computer memory "DRAM" chips and the reason for the suit was for alleged price manipulation of the chips causing government consumers to pay more for computers. He noted that the Judge on the case had recently ruled that the Attorney General could not represent the interest of the municipalities unless the municipalities authorized it. Mr. Dusek stated he felt Warren County should have a resolution to authorize the Attorney General to pursue civil claims on behalf of the County.

Chairman Thomas said a resolution to waive the rules requiring that a resolution be in writing was not necessary because Mr. Dusek had prepared a draft resolution which was presented to the board members. Clerk added it would be Resolution No. 611 for the record.

Returning to verbal reports by Committee chairmen on past activities, with regard to the Municipal Shared Services Committee, Mr. O'Connor expounded that although the Committee had not met recently, there would be a meeting held this month with discussions focused on East Field.

Mr. Kenny stated that as the County approached the end of the budget process for the year, there had been an anomaly during this past year in which the City of Glens Falls returned \$23,000 of the total of \$150,000 that the County had allotted for the City's

recreational venues. He added that on behalf of himself and the other Glens Falls Supervisors, they felt it would be the right thing to return that money to the City of Glens Falls in some fashion for the budget year 2008, whether the \$150,000 was adjusted to \$173,000 to reflect that or by some other means. He further explained the reason that money was returned was because there had been a turnover in personnel Department Heads and the City of Glens Falls had spent that money; yet they were unable to justify the expenses with the necessary vouchers due to that turnover in personnel. He requested that the Board of Supervisors consider returning those funds to the City of Glens Falls.

Mr. Caimano advised it was his understanding that the \$23,000 was never expended from the County's account. He said he believed the County only distributed \$127,000 to the City of Glens Falls. Rob Lynch, Deputy Treasurer, stated he would need to research the issue to determine what had happened with those funds.

Mr. O'Connor agreed that due to the turnover in personnel in the City of Glens Falls, the necessary vouchers were never submitted to the County and the City would like to be able to forward a voucher to the County during the year 2008 for the funds that were originally allocated for that purpose. Mr. Sheehan added it was an error on the part of the City of Glens Falls. Mr. Caimano said it would be resolved during the budget process.

In connection with the Real Property Tax Services Committee, Mr. Belden apprised there were a couple of parcels of property redeemed from the County Auction and returned to the property owners. With regard to the DPW Committee, Mr. Belden said the big issue during the budget review was the need for new equipment and repairs to roads and highways which would be costly; however, he noted, they were things that could not be postponed any longer.

Chairman Thomas again requested to put the verbal reports on hold for a moment and return to the Public Hearing on Local Law No. 12 of 2007.

There being no one wishing to speak on the proposed Local Law No. 12 of 2007, Chairman Thomas closed the Public Hearing at 11:00 a.m.

Returning to reports by Committee chairmen on past activities, the following continued to give verbal reports:

Supervisor Tessier, Tourism; Supervisor Stec, Planning and Community Development; Supervisor Caimano, Budget; and Supervisor Haskell County Facilities.

Concerning the Tourism Committee, Mr. Tessier read a thank you note sent from the New York State French and Indian War 250th Commission, thanking the Board of Supervisors and Warren County for their strong support in making the re-enactment weekend a huge success.

In relation to the Planning and Community Development Committee, Mr. Stec stated

an important issue before the Committee was the new aerial photographs that would be taken for the GIS (Geographic Information System) mapping. He further explained that if higher resolution photographs were of interest to the towns it would entail additional costs and the Committee had discussed the idea of perhaps a fifty-fifty split of the costs between the County and interested towns. He said a decision would need to be reached by November.

Mr. Stec announced that the Queensbury Town Board would be presenting a proclamation on Monday night thanking all the inter-municipal fire departments, rescue squads, the County DPW, Fire Coordinator's Office and others for the assistance provided to the Town during the recent fire at the Jenkinsville Dump. He also mentioned that the Town of Queensbury had shared an Assessor with the City of Glens Falls and had recently decided to obtain their own Town Assessor. He advised that the Town of Queensbury had hired Teri Ross from the Real Property Tax Services Department within the County.

Mr. Stec expounded with regard to a resolution authorized by the Planning and Community Development Committee, he would like to request that Resolution No. 576 be withdrawn.

Motion was made by Mr. Stec, seconded by Mr. Belden and carried unanimously that Resolution No. 576, Authorizing Out-of-State Travel for the Second Assistant County Attorney to Attend the Outdoor Drama Theater Conference in Ohio, be withdrawn.

With regard to the Budget Committee, Mr. Caimano said they were working diligently on the County Budget for 2008 and he had a goal in mind that he hoped would be reached.

Regarding the County Facilities Committee, Mr. Haskell apprised the core group involved in the discussions for the new Health and Human Services building had met and planned on presenting a new option to the board members soon. He noted that the core group would be meeting again on October 16, 2007 at 10:00 a.m. and invited any Supervisors that were interested to attend.

Chairman called for reading of communications.

Clerk read communications, including the following:

Minutes from:

- Warren County Planning Board;
- Warren/Washington Counties Mental Health Subcommittee.

Monthly Reports from:

- Probation;
- Weights & Measures;
- Veterinarian.

Annual Report from:
Adirondack Park Local Government Review Board;
Warren County SPCA.

Capital District Off-Track Betting, September surcharge in the amount of \$26,665;

Office of the State Comptroller, application by the Hague Town Board for the establishment of Hague Sewer District No. 2. Town Law Section 209(f) states that the Board of the Supervisors may file notice of objection to this project within 15 days of notice;

Warren/Washington Counties Industrial Development Agency, August 2007 Operating Report for Wheelabrator Hudson Falls, LLC, as well as notice of upcoming IDA meeting.

New York State Department of Environmental Conservation, Adirondack Park Community Smart Growth Grant Program application.

Communications, resolutions and reports ordered placed on file.

Chairman called for reading of resolutions and discussion.

Joan Sady, Clerk of the Board, advised that Resolution Nos. 569 through 607 were mailed and Resolution No. 576 had been withdrawn. Mrs. Sady added that a correction was needed on Resolution No. 601 to read Niagara Mohawk instead of National Grid and a motion was necessary to make that correction.

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously to correct Resolution No. 601 as outlined above.

Mrs. Sady advised a motion was needed to bring Resolution Nos. 568 and 608 through 611 to the floor. Motion was made by Mr. Mason, seconded by Mr. Sheehan and carried unanimously to bring Resolution Nos. 568 and 608 through 611 to the floor.

Chairman Thomas called for a vote on the resolutions.

Resolution Nos. 568 through 611 were approved. Certificates of Appointment to the Warren County Youth Board and the Saratoga-Warren-Washington Counties Workforce Investment Board were submitted.

Mr. Kenny announced that on September 24, 2007 an 'Old Fashioned Town Hall Meeting' would be held from 6:30 p.m. until 8:00 p.m. at the Big Cross Street School located in the City of Glens Falls.

Mr. Belden commented that on September 24, 2007 at 4:30 p.m. there would be a meeting in the Town of Lake George to discuss the Westbrook project and he encouraged all

Supervisors to attend and represent the County.

Mr. O'Connor acknowledged that Rob York, Director of the Office of Community Services, was present at the meeting today and he welcomed him.

Mr. Monroe apprised data had been compiled in order to try to consolidate committees and the proposal had been distributed to all the board members to review. He also mentioned that a letter was sent out last week from the Adirondack Regional Assessment Project regarding the Quality Communities Grant that was received in the amount of \$92,800 by the Town of Chester, the Town of Arietta, the Adirondack Association of Towns and Villages and the Adirondack North Country Association. He noted there was a required match from the Towns and possibly Counties and he requested everyone to support that. He added the end result of this grant would provide an inventory of all of the water and sewer infrastructure needs in the Adirondacks and could lead to more funding. Chairman Thomas stated that the Town of Johnsburg had passed a resolution of support for that last night.

There being no further business, on motion by Mr. Merlino and seconded by Mr. Haskell, Chairman Thomas adjourned the meeting at 11:35 a.m.